

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

AMERISURE MUTUAL
INSURANCE COMPANY, a
Michigan corporation,

Plaintiff,

v.

Case No.: 2:23-cv-108-JLB-KCD

MAMMOTH CONSTRUCTORS,
LLC and BOARD OF COUNTY
COMMISSIONERS OF COLLIER
COUNTY,

Defendants.

ORDER

Plaintiff Amerisure Mutual Insurance Company has filed this declaratory judgment action to settle its duty to indemnify its insured Mammoth Constructors LLC for damages claimed in a state court lawsuit. (Doc. 1.) The state court case is set for trial at the end of this month.

Defendants now seeks a stay of this proceeding pending the trial in state court. (Doc. 20.) According to Defendants, a stay will avoid redundant litigation and further judicial economy since “the state suit should address facts at the heart of the insurance exclusions claimed by Amerisure.” (*Id.* at 4.) Amerisure does not oppose the stay. (*Id.* at 6.)

“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). A decision to stay is left to the discretion of the district court. *See Clinton v. Jones*, 520 U.S. 681, 706 (1997).

After considering Defendants’ arguments and the procedural posture of this case, the Court agrees that a stay is appropriate. Accordingly, it is now **ORDERED**:

1. Defendants’ Motion to Stay (Doc. 20) is **GRANTED**.
2. This case is stayed pending resolution of the state court litigation referenced in Defendants’ motion.
3. If the state court trial is delayed or continued from its current schedule, either party may petition the Court to lift the stay.
4. The parties are directed to file a joint notice regarding the status of the state court litigation on June 20, 2023, and every thirty days thereafter until the stay is lifted.
5. The Clerk is directed to add a stay flag to this case and cancel all outstanding deadlines and hearings.

ENTERED in Fort Myers, Florida on May 10, 2023.



Kyle C. Dudek
United States Magistrate Judge

Copies: All Parties of Record